

#7

JOINT DECLARATION FOR REISSUE PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled APC ANTIBODIES

the specification of which

☐ is attached hereto.

☒ was filed on May 25, 1995 as Application Serial Number 08/452,654 and was amended on _____ (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Under 35 U.S.C. §119
United Kingdom	9100962.1	16/01/91		YES
United Kingdom	9100963.9	16/01/91		YES
United Kingdom	9100974.6	16/01/91		YES
United Kingdom	9100975.3	16/01/91		YES

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Date of Filing (Day, Month, Year)	Status — Patented, Pending, Abandoned

Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e) of any provisional application for patent listed below and have also identified below any provisional application for patent having a filing date before that of the application on which priority is claimed:

Provisional Application Number	Date of Filing (day, month, year)	Priority Claimed Under 35 U.S.C. §119(e)

(1) We believe that the original patent which issued on this application, U.S. 5,691,454, is wholly or partially inoperative or invalid because of the following defects in the specification:

- the amino acid sequence provided for the APC protein in SEQ ID NO:7 of the sequence listing contains a minor error; and
- the specification refers to overlapping APC cDNA clones as "defining an ORF of 2842 amino acids" (column 4, line 31) or as coding "for a 2842 or 2844 amino acid peptide" (column 31, lines 32-33), rather than the correct number of 2843 amino acids.

(2) The correction of SEQ ID NO:7 is supported by the specification. The missing proline at position 173 in SEQ ID NO:7 is supported in the specification by the proline which is present at position 173 in SEQ ID NOS:1 and 2 and in Figure 3. In addition, routine analysis of YAC 37HG4 deposited as NCIMB 40353, referred to at column 12, lines 35-39 of U.S. Patent 5,691,454 establishes that there is, indeed, a proline at codon 173. The deposit was made under the terms of the Budapest Treaty. (See declaration of Dr. Sarah Kagan, of record in Serial No. 08/452,654, filed February 14, 1996.) One of ordinary skill in the art would have recognized the omission of the proline in SEQ ID NO:7 as a minor error by noting the inconsistency between the amino acid sequences presented in Figure 3 and in SEQ ID NOS:1 and 2 with that in SEQ ID NO:7.

(3) The error at column 4, line 31, referring to "an ORF of 2842 amino acids," occurred because of the inadvertent omission of the proline at position 173 in originally filed Figure 3. The omission of this proline resulted in the APC protein being described in the specification as having 2842 rather than 2843 amino acids.

(4) The error at column 31, lines 32-33, referring to a "2842 or 2844 amino acid peptide," occurred as follows. The application which issued as U.S. Patent 5,691,454 originally contained eight figures. In Figure 7 as originally filed, three supernumerary nucleotides were added at nucleotide positions 3972 (C), 3981 (G), and 3996 (A). As a result, the predicted amino acid sequence was erroneously stated to be "Ser Ser Val His Ser Thr Leu Glu" rather than "Ala Val Ser Gln His Pro Arg" at positions 1325 to 1331. This error resulted in an apparent sequence for the APC protein of 2844 amino acids. In combination with the omission of the proline at position 173 in originally filed Figure 3, this error resulted in the APC protein being described in the specification as a "2842 or 2844 amino acid peptide." Originally filed Figure 7 was canceled during prosecution of Serial No. 08/452,654, which issued as U.S. Patent 5,691,545.

(5) Correction of the number of amino acids in the APC protein does not add new matter to the specification. It merely renders consistent the number of amino acids shown in SEQ ID NOS:1 and 2 and the number of amino acids referred to in the specification.

(6) All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intent on the part of the applicants.

(7) We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

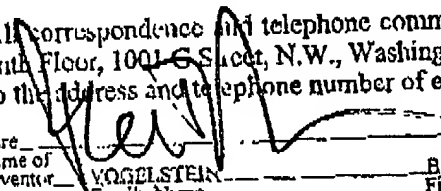
And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys who are all members of the Bar of the District of Columbia, their registration numbers being listed after their names:

09/29/00 13:12 FAX

004

Donald W. Banner, Registration No. 17,037; Edward F. McKie, Jr., Registration No. 17,335; William W. Beckett, Registration No. 18,262; Dale H. Hoscheit, Registration No. 19,090; Joseph M. Potenza, Registration No. 28,175; James A. Niegowski, Registration No. 28,331; Joseph M. Skerpon, Registration No. 29,864; Thomas L. Peterson, Registration No. 30,969; Nina L. Medlock, Registration No. 29,673; William J. Fisher, Registration No. 32,133; Thomas H. Jackson, Registration No. 29,808; Patricia E. Hong, Registration No. 34,373; Robert S. Katz, Registration No. 36,402; Brian E. Hanlon, Registration No. 40,449; Sarah A. Kagan, Registration No. 32,141 and Lisa M. Hemmendinger, Registration No. 42,653.

All correspondence and telephone communications should be addressed to: Banner & Witcoff, Ltd., Eleventh Floor, 1001 G Street, N.W., Washington, D.C. 20001-4597, telephone number (202) 508-9100, which is also the address and telephone number of each of the above listed attorneys.

Signature  Date 9/29/00
Full Name of First Inventor VOGELSTEIN Bert First Given Name Second Given Name
Family Name

Residence 1700 Briton Way, Baltimore, Maryland 21208

Citizenship United States of America

Post Office

Address Same as above

Signature Kenneth V. Kinzler Date 9/28/00
Full Name of Second Inventor KINZLER Kenneth First Given Name W. Second Given Name
Family Name

Residence 1403 Harford Way, Bel Air, Maryland 21015

Citizenship United States of America

Post Office

Address Same as above

Signature _____ Date _____
Full Name of Third Inventor ALBERTSEN Hans First Given Name Second Given Name
Family Name

Residence 744 Northcrest Drive, Salt Lake City, Utah 84103

Citizenship Denmark

Post Office

Address Same as above

Signature _____ Date _____
Full Name of Fourth Inventor ANAND Rakesh First Given Name Second Given Name
Family Name

Residence 62 Grange Way, Sandbach, Cheshire CW11 9ES England

Citizenship British

Post Office

Address Same as above

Signature _____ Date _____
Full Name of Fifth Inventor CARLSON Mary First Given Name Second Given Name
Family Name

Residence 2074 E. Sunnyside Avenue, Salt Lake City, Utah

Citizenship United States of America

Post Office

Address Same as above

LAW OFFICES
BANNER & WITCOFF, LTD.
1001 G STREET, N.W.
WASHINGTON, D.C. 20001-4597
(202) 508-9100

Signature _____ Date _____
Full Name of _____
Sixth Inventor GRDEN Isama _____
Family Name First Given Name Second Given Name
Residence 629 9th Avenue, Salt Lake City, Utah 84103
Citizenship United States of America
Post Office _____
Address Same as above

Signature _____ Date _____
Full Name of _____
Seventh Inventor HRIDGE Philip _____
Family Name First Given Name Second Given Name
Residence 7, Rookery Rise, Winsford, Cheshire CW7 3FA England
Citizenship British
Post Office _____
Address Same as above

Signature _____ Date _____
Full Name of _____
Eighth Inventor IOSLYN Geoff _____
Family Name First Given Name Second Given Name
Residence 426 7th Avenue, Salt Lake City, Utah 84103
Citizenship United States of America
Post Office _____
Address Same as above

Signature A. Markham Date 1ST OCTOBER 2000
Full Name of _____
Ninth Inventor MARKHAM Alexander Fred _____
Family Name First Given Name Second Given Name
Residence 25, Booth Rd Lane, Goostrey, Crewe, Cheshire, England
Citizenship British
Post Office _____
Address Same as above

Signature _____ Date _____
Full Name of _____
Tenth Inventor NAKUMURA Yusuka _____
Family Name First Given Name Second Given Name
Residence 1-43-3 Matsuyama, Kiyose Tokyo 204 Japan
Citizenship Japanese
Post Office _____
Address Same as above

Signature _____ Date _____
Full Name of _____
Eleventh Inventor THLIVERIS Andrew _____
Family Name First Given Name Second Given Name
Residence 3704 S. 2140 E., Salt Lake City, Utah 84109
Citizenship United States of America
Post Office _____
Address Same as above

Donald W. Banner, Registration No. 17,037; Edward F. McKie, Jr., Registration No. 17,335; William W. Beckett, Registration No. 18,262; Dale H. Hoscheit, Registration No. 19,090; Joseph M. Potenza, Registration No. 28,175; James A. Niegowski, Registration No. 28,331; Joseph M. Skerpon, Registration No. 29,864; Thomas L. Peterson, Registration No. 30,969; Nina L. Medlock, Registration No. 29,673; William J. Fisher, Registration No. 32,133; Thomas H. Jackson, Registration No. 29,808; Patricia E. Hong, Registration No. 34,373; Robert S. Katz, Registration No. 36,402; Brian E. Hanlon, Registration No. 40,449; Sarah A. Kagan, Registration No. 32,141 and Lisa M. Hemmendinger, Registration No. 42,653.

All correspondence and telephone communications should be addressed to: Banner & Witcoff, Ltd., Eleventh Floor, 1001 G Street, N.W., Washington, D.C. 20001-4597, telephone number (202) 508-9100, which is also the address and telephone number of each of the above listed attorneys.

Signature _____ Date _____
 Full Name of First Inventor VOGELSTEIN Bert _____
 Family Name First Given Name Second Given Name
 Residence 3700 Breton Way, Baltimore, Maryland 21208
 Citizenship United States of America
 Post Office _____
 Address Same as above

Signature _____ Date _____
 Full Name of Second Inventor KINZLER Kenneth W
 Family Name First Given Name Second Given Name
 Residence 1403 Halkirk Way, Bel Air, Maryland 21015
 Citizenship United States of America
 Post Office _____
 Address Same as above

Signature _____ Date _____
 Full Name of Third Inventor ALBERTSEN Hans _____
 Family Name First Given Name Second Given Name
 Residence 744 Northcrest Drive, Salt Lake City, Utah 84103
 Citizenship Denmark
 Post Office _____
 Address Same as above

Signature _____ Date _____
 Full Name of Fourth Inventor ANAND Rakesh _____
 Family Name First Given Name Second Given Name
 Residence 62 Grange Way, Sandbach, Cheshire CW11 9PS England
 Citizenship British
 Post Office _____
 Address Same as above

Signature Mary L. Carlson Date 11/1/2000
 Full Name of Fifth Inventor CARLSON Mary _____
 Family Name First Given Name Second Given Name
 Residence 2074 E. Sunnyside Avenue, Salt Lake City, Utah
 Citizenship United States of America
 Post Office _____
 Address Same as above

LAW OFFICES
 BANNER & WITCOFF, LTD.
 1001 G STREET, N.W.
 WASHINGTON, D.C. 20001-4597
 (202) 508-9100

Signature [Signature] Date 11/3/00
Full Name of Sixth Inventor GRODEN Joanna
Family Name First Given Name Second Given Name
Residence 629 9th Avenue, Salt Lake City, Utah 84103
Citizenship United States of America
Post Office
Address Same as above

Signature _____ Date _____
Full Name of Seventh Inventor HEDGE Philip
Family Name First Given Name Second Given Name
Residence 7 Rookery Rise, Winsford, Cheshire, CW7 3EA, England
Citizenship British
Post Office
Address Same as above

Signature _____ Date _____
Full Name of Eighth Inventor IOSLYN Geoff
Family Name First Given Name Second Given Name
Residence 426 7th Avenue, Salt Lake City, Utah 84103
Citizenship United States of America
Post Office
Address Same as above

Signature _____ Date _____
Full Name of Ninth Inventor MARKHAM Alexander Fred
Family Name First Given Name Second Given Name
Residence 25 Booth Bed Lane, Goostrey, Crewe, Cheshire, England
Citizenship British
Post Office
Address Same as above

Signature _____ Date _____
Full Name of Tenth Inventor NAKUMURA Yusuka
Family Name First Given Name Second Given Name
Residence 1-43-3 Matsuyama, Kiyose Tokyo 204 Japan
Citizenship Japanese
Post Office
Address Same as above

Signature _____ Date _____
Full Name of Eleventh Inventor THLIVERIS Andrew
Family Name First Given Name Second Given Name
Residence 3704 S. 2140 E., Salt Lake City, Utah 84109
Citizenship United States of America
Post Office
Address Same as above

Signature _____ Date _____
Full Name of _____
Sixth Inventor GRODEN Joanna _____
Family Name First Given Name Second Given Name
Residence 629 9th Avenue Salt Lake City, Utah 84103
Citizenship United States of America
Post Office _____
Address Same as above

Signature _____ Date _____
Full Name of _____
Seventh Inventor HEDGE Philip _____
Family Name First Given Name Second Given Name
Residence 7 Rookery Rise Winsford Cheshire CW7 3EA England
Citizenship British
Post Office _____
Address Same as above

Signature _____ Date _____
Full Name of _____
Eight Inventor IOSLYN Geoff _____
Family Name First Given Name Second Given Name
Residence 426 7th Avenue Salt Lake City Utah 84103
Citizenship United States of America
Post Office _____
Address Same as above

Signature _____ Date _____
Full Name of _____
Ninth Inventor MARKHAM Alexander Fred _____
Family Name First Given Name Second Given Name
Residence 25 Booth Bed Lane Goostrey, Crewe, Cheshire, England
Citizenship British
Post Office _____
Address Same as above

Signature Yusuke Nakamura Date OCT. 1. 2000
Full Name of _____
Tenth Inventor NAKUMURA Yusuke _____
Family Name First Given Name Second Given Name
Residence 1-43-3 Matsuyama Kiyose Tokyo 204 Japan
Citizenship Japanese
Post Office _____
Address Same as above

Signature _____ Date _____
Full Name of _____
Eleventh Inventor THLIVERIS Andrew _____
Family Name First Given Name Second Given Name
Residence 3704 S. 2140 E. Salt Lake City Utah 84109
Citizenship United States of America
Post Office _____
Address Same as above